

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESSE SHANE ALDERMAN,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

No. 15-cv-0618-TSZ

ORDER

THIS MATTER comes before the Court on the Report and Recommendation (“R & R”) of the Honorable Mary Alice Theiler, United States Magistrate Judge, docket no. 14. Having reviewed the R & R and petitioner’s objections thereto, docket no. 15, the Court enters the following Order:

The only issue to which petitioner objects is the R & R’s finding that he “has not shown that the evidence, when viewed in the light most favorable to him, supports an inference that he did not have sexual intercourse, as defined by the statute, with A.Z. In other words, the evidence does not support the inference that only attempted rape occurred.” Petitioner’s Objections to the R & R, docket no. 15, at 1. In essence, petitioner challenges only that his trial counsel was unconstitutionally deficient by not requesting a lesser included instruction. Even if petitioner’s argument were correct, he would not be entitled to relief and thus the petition must be denied.

Conclusion

IT IS SO ORDERED.

Thomas S Zeller

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